IN THE SUPREME COURT OF THE STATE OF DELAWARE

JACOB E. CARSON,[1]	§	
	§	
Respondent Below-Appellant,	§	No. 128, 2012
	§	
	§	
v.	§	Court Below—Family Court
	§	of the State of Delaware,
DIVISION OF CHILD SUPPORT	§	in and for Sussex County
ENFORCEMENT/NOREEN ALSTON,	§	Case No. CS09-01797
	§	Pet. No. 11-26693
Petitioner Below-Appellee.	§	
	§	

Submitted: May 17, 2012
Decided: June 27, 2012

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

O R D E R

This 27th day of June 2012, upon consideration of the appellant's opening brief, the State's motion to affirm, and the record on appeal, it appears to the Court that:

(1) The appellant, Jacob Carson (Father) filed this appeal from an order of the Family Court, dated February 14, 2012, which accepted a Commissioner's order that required Father to pay $23 per month in child support. The Division of Child Support Enforcement (DCSE), as the real party in interest, has filed a motion to affirm the judgment below on the

[1] Pseudonyms were assigned to the parties pursuant to Supreme Court Rule 7(d).

ground that it is manifest on the face of Father's opening brief that his appeal is without merit. We agree and affirm.

(2) The record reflects that Father and Noreen Alston (Mother) are the parents of a son born in February 2009. Father and Mother have never been married and have never lived together. The boy is Father's only child. Mother has six older children. The parties share residential placement of the child equally. Both parties are unemployed.

(3) The gist of Father's argument on appeal is that the application of the Melson formula in this case was not equitable. He asserts that the allowance of the "other children" credit to Mother was an abuse of the Family Court's discretion because it rewarded Mother for her "shortsighted" behavior of having more children than she could afford and unfairly shifted the burden of support to Father. In a related argument, Father contends that, if the application of the "other children" credit is mandatory and not presumptive, then it violates federal law.

(4) After careful consideration of the parties' respective positions, we find it manifest that the judgment below should be affirmed on the basis of the Family Court's well-reasoned decision dated February 14, 2012. The Family Court did not err in utilizing the Melson formula as a rebuttable presumption for determining each parent's respective support obligations in

this case.[2] Moreover, the Family Court did not err in considering Mother's other dependents in determining her net available income under the Melson formula.[3] Under the circumstances, we find no error or abuse in the Family Court's conclusion that Father failed to rebut the presumptive applicability of the Melson formula because he could not show that his obligation to pay $23 per month in child support to Mother was inequitable.[4]

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

[2] *See Dalton v. Clanton*, 559 A.2d 1197 (Del. 1989).
[3] Del. Fam. Ct. Civ. R. 502(e) (2012).
[4] *See Ford v. Ford*, 600 A.2d 25, 28 (Del. 1991).